



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen B. Maguire

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BLENDER

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AMENDMENT

Sir:

Introductory Remarks

This is submitted in response to an official action bearing a mailing date of 26 May 2005, which official action was non-final, in which the examiner rejected claims 1 through 38, 41 through 53 and 59 through 62. Additionally, the examiner indicated that the drawings filed on 9 May 2005 were acceptable and further noted that the request for continued examination was proper and that, accordingly, the finality of the previous office action had been withdrawn.

In the official action the examiner also noted the attached PTO-1449 forms that had been

filed with the information disclosure statement submitted by applicant on 3 November 2004.

The examiner further stated that the replacement sheets of drawings, filed 9 May 2005, were approved and further that the abstract and title were both acceptable. The examiner further stated that the terminal disclaimer filed 8 October 2004 had been approved and that the nonstatutory double-patenting rejections made in a prior office action had accordingly been withdrawn.

The examiner rejected claims 36 and 37 under 35 USC 102(b) as allegedly being anticipated by Japanese patent abstract 59-082936 published in May of 1984 and made of record by applicant in the 1449 form filed 8 October 2001. Applicant traverses this rejection and request reconsideration of claims 36 and 37, in their amended form as set forth below.

The examiner also rejected claims 1 through 38, 41 through 53 and 59 through 62 under 35 USC 102(a) or 102(b) as being anticipated by Reference DH submitted in the information disclosure statement filed 3 November 2004. Applicant notes that Reference DH is a product specification sheet for applicant's product that embodies the instant invention. Applicant respectfully solicits withdrawal of the rejection of claims 1 through 38, 41 through 53 and 59 through 62 since the date of publication and subsequent dissemination to the public of Reference DH, which had not been indicated on the information disclosure statement filed 3 November 2004, has now been determined to be August of 1998, which is well after the filing date of the instant application. Accordingly, the paper identified as "Reference DH" in the information disclosure statement filed 3 November 2004 is not a reference applicable against the instant application. Accordingly, reconsideration and withdrawal of the rejection of the claims made on the basis of alleged "Reference DH" submitted with the information disclosure statement dated 3 November 2004 is respectfully solicited. Applicant believes the forgoing fully comports with the

requirements of Section 704 of the Manual of Patent Examining Procedure of the United States Patent and Trademark Office as respecting information about questionable purported references.